

## REMARKS

In the final Office Action mailed September 21, 2006, the Examiner noted that claims 1-3, 8, 9, 12 and 13 were pending and rejected the elected claims 1-3, 8, 9, 12 and 13. Claims 1, 2, 8, 9, 12 and 13 have been amended, and, thus, in view of the forgoing claims 1-3, 8, 9, 12 and 13 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections are traversed below.

## REJECTIONS under 35 U.S.C. § 101

Claim 12 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claim 12 is statutory per se as signals are an article of manufacture. The Supreme Court has interpreted the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand-labor or machinery." *Diamond V. Chakrabarty*, 447 U.S. 303, 308 (1980)(Quoting *Am. Fruit Growers, Inc. v. Brogdex Co.*, 283 U.S. 1, 11 (1931)). As the *Chakrabarty* Court observed, the "expansive" scope of the term "manufacture" reflects Congress's intent that patentable subject matter "include[s] anything under the sun that is made by man." *Id.* at 308-09 (quoting S. Rep No. 82-2979 at 5 (1952); H.R. Rep No. 82-1923 at 6 (1952)).

This broad definition of manufacture encompasses electrical signals, which are things made by man. In the electrical arts, a machine, such as a computer produces a signal using electricity (*i.e.* electrons) to carry information. See Harry Newton, *Newton's Telecom Dictionary* 622 (17<sup>th</sup> Ed. 2001)(explaining that a signal may be "[a]n electrical wave used to convey information"). The machine transforms the signal into a useful carrier of information by encoding the signal with data through any of a plethora of techniques. Thus, the creation of an electrical signal meets the *Chakrabarty* Court's definition of manufacture: producing a signal from electricity (*i.e.*, electrons) by giving the electricity new forms, qualities and properties through the data encoding process, where the production occurs by a machine. See *Diamond V. Chakrabarty*, 447 U.S. at 308; see also *Dolbear v. Am. Bell Tel. Co.*, 126 U.S. 1, 533-35 (1888)(holding that claims to the use of electricity to carry vocal sounds – *i.e.*, information – were patentable).

Withdrawal of the rejection is respectfully requested.

**REJECTIONS under 35 U.S.C. § 112**

Claims 1-3 and 9 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 2 and 9 have been amended to recite “a recording device for recording the process information of the specific system generated by the generating device, the process information of the specific system recorded in a shared storage medium.” The amendment connecting the recording device and the generating device of the claims.

Withdrawal of the rejection is respectfully requested.

**REJECTIONS under 35 U.S.C. 102**

Claims 1, 8, 9, 12 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Enko. Enko discusses a process scheduling system within the operating system of multi-processor system. It is in contrast to the claims of the current application, which are directed to a system for recording process histories of multiple systems. Enko states “[b]y providing the run queue which holds the executable processes in each processor, each processor can parallelly extract the executable process from the run queue except when the rebuild step accesses the run queue. Thus, the parallelism of the execution of the system is enhanced.” Column 7, lines 17-21. Therefore, Enko discusses a single system, with multiple processors, not the “plurality of systems.” Further, as Enko does not disclose a “shared storage medium.” Enko discusses a shared memory (140 of Fig. 1) for the storage of process schedule information. A shared memory in a multiprocessor system is not analogous to the shared storage medium shared by a plurality of systems. To clarify this distinction, claims 1, 2, 8, 9, 12 and 13 have been amended to recite “each system of a plurality of systems comprising a processor, a memory, and an external storage.” Therefore, nothing was cited or found in Enko that teaches or suggests “a recording device for recording the process information of the specific system in a shared storage medium that is shared by a plurality of systems including the specific system and is commonly searched by the plurality of systems and that collectively stores a plurality of pieces of process information of the plurality of systems, in a format such that a process information of the entire system comprising the plurality of systems is collectively managed by the shared storage medium and a process history of the plurality of systems can be tracked without requiring access to the specific system, each system of a plurality of systems comprising a processor, a memory, and an external storage,” as in claim 1.

It is submitted that the present claimed invention patentably distinguishes over Enko and withdrawal of the rejection is requested.

The dependent claims are allowable as being dependent from otherwise allowable independent claims. Claim 3 is independently allowable as Enko does not teach or suggest "said generation device generates input identification information related to each piece of input data, generates input group identification information for grouping a plurality of pieces of input identification information corresponding to the plurality of pieces of input data and attaches relationship between the plurality of pieces of input identification information and the input group identification information to the process information of the specific system."

## **SUMMARY**

It is submitted that the claims satisfy the requirements of 35 U.S.C. 101 and 112. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: February 21, 2007

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